



**US Army Corps  
Of Engineers**  
Wilmington District

# PUBLIC NOTICE

Issue Date: September 24, 2007  
Comment Deadline: October 24, 2007  
Corps Action ID #: 198200030

All interested parties are hereby notified that the Wilmington District, Corps of Engineers (Corps) is proposing to modify Regional General Permit (RGP) 198200030. Currently this permit authorizes maintenance, repair and construction activities in lakes and reservoirs owned, operated, and/or regulated by public utility companies and the Tennessee Valley Authority (TVA) in North Carolina. Certain types of construction activities are reviewed and subsequently approved by the Corps when a pre-construction notification is submitted assuming the work meets the terms and conditions of this RGP. The purpose of this proposed modification is to change the pre-construction notification requirements. The Corps is proposing to reduce the pre-construction notification requirements in an effort to reduce workload in areas that have regulatory overlap. The types of activities authorized under this permit will remain the same; however, a majority of these activities may be constructed without receiving written approval from the Corps.

The modified RGP 198200030 is attached for review and comment. Proposed changes include the modification of Special Condition (a) in which the Corps is proposing to only receive pre-construction notification for activities that involve new dredging/excavation in applicable lakes/reservoirs. Proposed changes also include the addition of General Condition (v) which requires the applicant to immediately notify the appropriate Corps regulatory office if any previously unknown historic or archeological remains are uncovered during construction activities. Table 1 below provides a list of lakes by owner/operator that would be affected by this modification. The owner/operator of the lake/reservoir will be responsible for tracking activities on their respective lakes that would be authorized under this RGP without notification to the Corps. The owner/operator will submit quarterly updates to the respective Corps field office so that compliance inspections can be conducted when necessary. The list in Table 1 may not be all inclusive so please provide comments regarding the accuracy of this list. Also, for those lakes that are not on this list which are owned by not managed by applicable public utility companies, activities on those lakes as outlined in the Regional General Permit will still require written pre-construction notification.

Please note that all work authorized by this general permit must comply with the terms and conditions of the applicable Clean Water Act Section 401 Water Quality Certification for this general permit issued by the North Carolina Division of Water Quality (DWQ). Please reference DWQ's proposed general certification revisions to determine if pre-construction notification to DWQ is required ([http://h2o.enr.state.nc.us/ncwetlands/rd\\_wetlands\\_certifications.htm](http://h2o.enr.state.nc.us/ncwetlands/rd_wetlands_certifications.htm))

Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, October 24, 2007. Comments should be submitted to Amanda Jones, Asheville Regulatory Field Office, 151 Patton Avenue, Room 208, Asheville, North Carolina 28801. This Public Notice is also available on the Wilmington District Web Site at [www.saw.usace.army.mil/wetlands](http://www.saw.usace.army.mil/wetlands).

Table 1: Summary of Lakes eligible to use GP30.

	Counties (North Carolina)	Corps Regulatory Field Office
<b>Duke Power</b>		
Belews Lake	Forsyth, Guilford, Rockingham, Stokes	Raleigh
Bear Creek Reservoir	Jackson	Asheville
Cedar Cliff Reservoir	Jackson	Asheville
Wolf Creek Reservoir	Jackson	Asheville
Lake Hickory	Caldwell, Catawba, Alexander	Asheville
Lake James	Burke, McDowell	Asheville
Lake Lure	Rutherford	Asheville
Lake Norman	Catawba, Iredell, Mecklenburg	Asheville
Lake Rhodhiss	Burke, Catawba	Asheville
Lake Wylie*	Mecklenburg	Asheville
Lookout Shoals	Alexander, Catawba, Iredell	Asheville
Mountain Island Lake	Gaston, Mecklenburg	Asheville
Nantahalal Lake	Macon	Asheville
<b>Tennessee Valley Authority (TVA)</b>		
Chatuge Lake*	Clay	Asheville
Fontana Lake	Swain, Graham	Asheville
Hiwassee Lake	Cherokee	Asheville
<b>Progress Energy</b>		
Badin Lake	Montgomery, Stanly	Asheville and Wilmington
Blewett Falls	Anson, Richmond	Wilmington
Lake Gaston*	Warren	Raleigh
Lake Tillery	Montgomery, Stanly	Asheville and Wilmington
Waterville Lake	Haywood	Asheville
<b>ALCOA</b>		
High Rock Lake	Davidson, Rowan	Asheville and Raleigh
Hyc0 Lake	Person, Caswell	Raleigh
Santeelah Lake	Graham	Asheville

\*Lakes cross state lines

DEPARTMENT OF THE ARMY  
Wilmington District, Corps of Engineers  
Post Office Box 1890  
Wilmington, North Carolina 28402-1890

General Permit No. 198200030  
Name of Permittee: General Public  
Effective Date: To be determined  
Expiration Date: December 31, 2012

DEPARTMENT OF THE ARMY  
GENERAL (REGIONAL) PERMIT

A general permit to perform work in or affecting navigable waters of the United States and waters of the United States, upon recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 U.S.C. 403), and Section 404 of the Clean Water Act (33 U.S.C. 1344), is hereby renewed and modified by authority of the Secretary of the Army by the

District Engineer  
U.S. Army Engineer District, Wilmington  
Corps of Engineers  
Post Office Box 1890  
Wilmington, North Carolina 28402-1890

TO AUTHORIZE MAINTENANCE, REPAIR AND CONSTRUCTION ACTIVITIES IN LAKES AND RESERVOIRS OWNED, OPERATED AND/OR REGULATED BY PUBLIC UTILITY COMPANIES AND THE TENNESSEE VALLEY AUTHORITY (TVA) IN THE STATE OF NORTH CAROLINA.

These lakes and reservoirs were constructed and exist primarily for the purposes of generating hydroelectric power and/or providing water supply. They were constructed and are operated by public utility companies or under laws and regulations administered by the TVA. Activities within these waters are the primary concern of, and should be regulated by, these parties. This general permit applies to all waters on or within lands owned or under flowage easement to public utility companies and the TVA. Activities authorized are:

- a. Construction of piers, floating boat docks, boat shelters, boat houses, boat ramps, jetties and breakwater structures and installation of dolphins, pilings and buoys, using commonly acceptable materials such as pressure treated lumber, unsinkable flotation materials, and confined concrete.
- b. Excavation and maintenance of recreational boat basins and canals/channels where excavated material is placed and retained on high ground.
- c. Stabilization of eroding shorelines utilizing appropriate bioengineering techniques, construction and backfill of bulkheads, and the placement of riprap material.
- d. Installation of submerged and aerial utility lines provided U.S. Coast Guard requirements for aerial lines are met and pre-project elevation contours are restored.
- e. Maintenance of existing water intake and outfall structures provided all State and Federal required authorizations have been obtained. Construction of new water intake and outfall structures is not authorized under this general permit.

Special Conditions

a. Written confirmation that the proposed work complies with this general permit must be received from the Wilmington District Corps of Engineers prior to the commencement of construction activities that involves the dredging of previously unmaintained areas. For this purpose, the proponent should submit to the Corps, detailed plans, location maps, and other supplemental information explaining the nature and scope of the work.

b. To be authorized by this permit, all piers, docks, boathouses and boat shelters shall be pile-supported or floating structures. Piles, dolphins, jetties and breakwater structures may be of wood, metal or precast concrete. Breakwater structures will be designed to provide for adequate water circulation landward of the structures.

c. This general permit does not authorize construction across or into any natural or manmade channel or water body in any manner that may adversely affect navigation by the general public.

d. On natural waterways 30-foot wide or greater that have been designated as navigable waters of the US pursuant to Section 10 of the Rivers and Harbors Act of 1899, this permit does not authorize placement of any pier segment or structure further

waterward than one-third the width of the water body. For navigable water bodies less than 30 feet wide, pier requests will be evaluated on a case-by-case basis and may be restricted to less than one-third the width of the water body.

e. Docks or piers and adjoining platforms, decks, boathouses, boat shelters, docks, and “L” and “T” sections will not cumulatively exceed the maximum allowable size of such structures identified in the reservoir’s shoreline management plan. Docks and piers extending over wetlands will be elevated sufficiently (minimum of 4 feet above the wetland substrate) to prevent total shading of vegetation, substrate, or other elements of the aquatic environment.

f. Floating docks, boathouses and boat shelters will not be constructed over wetlands.

g. Wooden jetties will not extend farther than 100 feet waterward of the NWL elevation contours.

h. Decking for piers, docks, boathouses and boat shelters will accommodate loads not less than 50 pounds per square foot.

i. Wood must be pressure-treated except in areas of boathouses or boat shelters protected from the weather.

j. Metal pilings or beams will have a minimum section thickness of 3/16 inch.

k. Floating structures will be supported by material that will not become waterlogged or sink when punctured and will be installed to provide for fluctuations of water elevation.

l. If the display of lights and signals on the authorized structure is not otherwise provided for by law, such lights and signals as may be prescribed by the U.S. Coast Guard will be installed and maintained by and at the expense of the permittee.

m. This general permit does not authorize any habitable structure or associated facility for nonwater-related use.

n. This general permit does not apply to structures within existing or proposed marinas. For purposes of this General permit, a marina is defined as any publicly or privately owned dock, basin or wet boat storage facility constructed to accommodate more than 10 boats.

o. Boat ramps will not exceed 20 feet in width. During boat ramp construction and maintenance, no fill or construction material may be placed in wetlands.

p. Excavation associated with boat ramp construction or maintenance is limited to the area necessary for site preparation and all excavated material must be removed to uplands.

q. This general permit does not authorize the installation of fueling facilities on authorized structures.

r. Where wetlands are present along a shoreline, all shoreline stabilization activities (bio-engineering techniques, construction and backfill of bulkheads, and the placement of riprap material) must be undertaken landward of the wetlands. This general permit does not authorize the discharge of dredged or fill material within wetlands.

s. Bulkhead and riprap alignments will not extend farther waterward than an average distance of two (2) feet, maximum distance of five (5) feet from the normal pool elevation contour and may not extend more than 500 feet along a shoreline.

t. Riprap will be placed at the base of all bulkheads and will extend a maximum of three (3) feet waterward on a 2:1 slope. All other fill material will be confined landward of bulkheads.

u. Material placed for shoreline stabilization will not exceed an average of one cubic yard per running foot placed below the plane of the ordinary high water mark.

w. Excavation for the removal of accumulated sediment from existing basins, access channels and boats slips must not exceed the lesser of the previously authorized depths or controlling depths for ingress/egress.

x. To avoid potential impacts to fish spawning areas, excavation activities will not occur during the months of March, April, May, or June of any year.

y. Dredging will be limited to channelward of the normal pool elevation. Finished depths will not exceed the depth of the receiving waters channelward of the work.

z. All excavated material will be placed landward of the normal pool elevation contour on high ground and confined by adequate dikes or other retaining structures to prevent erosion and sedimentation into adjacent waters or wetlands. The temporary placement or double handling of excavated or fill material waterward of the normal pool elevation is not authorized.

aa. The minimum clearance for aerial power lines will be governed by system voltage as shown below:

Nominal System  
Voltage, Kilovolts

Minimum Clearance (ft)  
Above Bridge Clearances

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115 and below	20
138	22
161	24
230	26
350	30
500	35
700	42
750-765	45

Clearances are based on the low point of the line under conditions that produce the maximum sag considering temperature, load, wind, length, span and type of supports. Clearances for communication lines, stream gauging cables, ferry cables and other aerial crossings will be a minimum of ten (10) feet above clearances for bridges. Installation of utility lines will conform to the special conditions of general (regional) permit No. 198100049.

bb. If an easement to fill or cross utility company, State or Federal property is required, such easement must be obtained prior to commencement of work.

#### General Conditions.

a. Except as authorized by this general permit or any USACE approved modification to this general permit, no excavation, fill or mechanized land-clearing activities shall take place within waters or wetlands, at any time in the construction or maintenance of this project. This permit does not authorize temporary placement or double handling of excavated or fill material within waters or wetlands outside the permitted area. This prohibition applies to all borrow and fill activities connected with this project.

b. Authorization under this general permit does not obviate the need to obtain other federal, state, or local authorizations.

c. All work authorized by this general permit must comply with the terms and conditions of the applicable Clean Water Act Section 401 Water Quality Certification for this general permit issued by the North Carolina Division of Water Quality.

d. The permittee shall employ all sedimentation and erosion control measures necessary to prevent an increase in sedimentation or turbidity within waters and wetlands outside the permit area. This shall include, but is not limited to, the immediate installation of silt fencing or similar appropriate devices around all areas subject to soil disturbance or the movement of earthen fill, and the immediate stabilization of all disturbed areas. Additionally, the project must remain in full compliance with all aspects of the Sedimentation Pollution Control Act of 1973 (North Carolina General Statutes Chapter 113A Article 4).

e. The activities authorized by this general permit must not interfere with the public's right to free navigation on all navigable waters of the United States. No attempt will be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the authorized work for a reason other than safety.

f. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

g. The permittee, upon receipt of a notice of revocation of this permit or upon its expiration before completion of the work will, without expense to the United States and in such time and manner as the Secretary of the Army or his authorized representative may direct, restore the affected water of the United States to its former conditions.

h. The permittee will allow the Wilmington District Engineer or his representative to inspect the authorized activity at any time deemed necessary to assure that the activity is being performed or maintained in strict accordance with the Special and General Conditions of this permit.

i. This general permit does not grant any property rights or exclusive privileges.

j. This permit does not authorize any injury to the property or rights of others.

k. This general permit does not authorize the interference with any existing or proposed federal project.

l. In issuing this permit, the Federal Government does not assume any liability for the following:

(1) Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

(2) Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

(3) Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

(4) Design or construction deficiencies associated with the permitted work

(5) Damage claims associated with any future modification, suspension, or revocation of this permit.

m. Authorization provided by this general permit may be modified, suspended or revoked in whole or in part if the Wilmington District Engineer, acting for the Secretary of the Army, determines that such action would be in the best public interest. The term of this general permit shall be five (5) years unless subject to modification, suspension or revocation. Any modification, suspension or revocation of this authorization will not be the basis for any claim for damages against the United States Government.

n. This general permit does not authorize any activity, which the District Engineer determines, after any necessary investigations, would adversely affect:

(1) Rivers named in Section 3 of the Wild and Scenic Rivers Act (15 U.S.C. 1273), those proposed for inclusion as provided by Sections 4 and 5 of the Act and wild, scenic and recreational rivers established by state and local entities.

(2) Historic, cultural or archeological sites listed in or eligible for inclusion in the National Register of Historic Places as defined in the National Historic Preservation Act of 1966 and its codified regulations, the National Historic Preservation Amendment Acts of 1980 and 1992, the Abandoned Shipwreck Act of 1987 and the Native American Graves Protection and Repatriation Act.

(3) Sites included in or determined eligible for listing in the National Registry of Natural Landmarks.

o. This general permit does not authorize any activity that will adversely affect any threatened or endangered species or a species proposed for such designation, or their designated critical habitat as identified under the Federal Endangered Species Act (16 U.S.C. 1531). Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the Corps field offices or at the following internet address: <http://www.ncnnp.org/Pages/heritagedata.html>. Permittees should notify the Corps if any listed species or designated critical habitat might be affected by the proposed project and may not begin work until notified by the Corps that the requirements of the Endangered Species Act have been satisfied and that the activity is authorized.

p. Permittees are advised that development activities in or near a floodway may be subject to the National Flood Insurance Program that prohibits any development, including fill, within a floodway that results in any increase in base flood elevations. This general permit does not authorize any activity prohibited by the National Flood Insurance Program.

q. The permittee must install and maintain, at his expense, any signal lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, on authorized facilities. For further information, the permittee should contact the U.S. Coast Guard Marine Safety Office at (910) 772-2191.

r. The permittee must maintain any structure or work authorized by this permit in good condition and in conformance with the terms and conditions of this permit. The Permittee is not relieved of this requirement if the Permittee abandons the structure or work. Transfer in fee simple of the work authorized by this permit will automatically transfer this permit to the property's new owner, with all of the rights and responsibilities enumerated herein. The permittee must inform any subsequent owner of all activities undertaken under the authority of this permit and provide the subsequent owner with a copy of the terms and conditions of this permit.

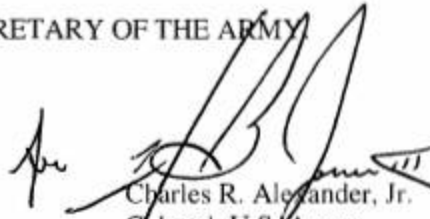
s. At his sole discretion, any time during the processing cycle, the Wilmington District Engineer may determine that this general permit will not be applicable to a specific proposal. In such case, the procedures for processing an individual permit in accordance with 33 CFR 325 will be available.

t. All fill material placed in waters or wetlands shall be generated from an upland source and will be clean and free of any pollutants except in trace quantities. Metal products, organic materials (including debris from land clearing activities), or unsightly debris will not be used.

u. All excavated material will be disposed of in approved upland disposal areas.

v. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

BY AUTHORITY OF THE SECRETARY OF THE ARMY



Charles R. Alexander, Jr.  
Colonel, U.S. Army  
District Engineer